

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:09CV59-02-MU

ANTHONY TRUSELL, )  
Plaintiff, )  
 )  
v. )  
 )  
STEVE BAILEY, Western Regional )  
Director for the North Caro- )  
lina Department of Correc- )  
tions, et al., )  
Defendants. )  
\_\_\_\_\_ )

ORDER

**THIS MATTER** comes before the Court on initial review of Plaintiff's Complaint under 42 U.S.C. §1983, filed May 15, 2009. For the reasons stated herein, Plaintiff's Complaint will be dismissed as premature.

According to his Complaint, Plaintiff believes that in April 2009, he was subjected to deliberate indifference and excessive force by a certain defendant, he was threatened and conspired against by others, another defendant failed properly to investigate the subject use of force, and certain of the defendants failed to ensure that he received adequate medical care, that their subordinates not make false accusations, and that inmates receive fair and impartial disciplinary procedures. By this action, Plaintiff demands both monetary and injunctive relief.

Notwithstanding the foregoing, however, Plaintiff also submitted an exhibit in which he reports that he has not completed

the grievance process at his prison, but "as [the prison] continue[s] to process [he] will exhaust all remedies [and] send [the Court] all the documents. It is, therefore, clear that Plaintiff's allegations have not been exhausted and this Court cannot exercise jurisdiction over those matters. See 42 U.S.C. § 1997e(a) ("[n]o action shall be brought with respect to prison conditions under section 1983 of this Title, or any other federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."). Accordingly, the instant Complaint must be dismissed without prejudice.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that Plaintiff's Complaint is **DISMISSED without prejudice**.

**SO ORDERED.**

Signed: May 28, 2009



Graham C. Mullen  
United States District Judge



SEALED DOCUMENT with access to All Parties/Defendants